

**UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**  
**Plaintiff,**

**v.**

**\$21,274.00 IN U.S. CURRENCY,**  
**Defendant in rem.**

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**CIVIL ACTION NO. 4:10-cv-02745**

**CLAIMANT'S ORIGINAL ANSWER TO VERIFIED  
COMPLAINT FOR FORFEITURE IN REM**

Patron Seafood, Inc. ("Claimant"), rightful owner of the defendant in rem, by its attorney Matthew T. Wright, respectfully represents the following by way of Answer to the Verified Complaint for Forfeiture In Rem.

Claimant answers the allegations of the Verified Complaint as follows:

- 1: The allegations contained in Paragraph Three of the Verified Complaint are admitted.
- 2: The allegations contained in Paragraph Four of the Verified Complaint are admitted.
- 3: The allegations contained in Paragraph Eight of the Verified Complaint are admitted.

4: Claimant denies that any officer, employee, or agent of Claimant instructed Mr. Kalliainen not to disclose the defendant in rem on the required disclosure form, or instructed Mr. Kalliainen to lie to anyone about the amount of funds he was carrying into the United States. The allegations contained in the remaining portion of Paragraph Nine of the Verified Complaint are admitted.

**FIRST AFFIRMATIVE DEFENSE**

5: Claimant is an innocent owner of the defendant in rem. Claimant did not direct, suggest, or approve Mr. Kalliainen's failure to properly declare the defendant in rem on the required disclosure form or to US Customs officials. Mr. Kalliainen acted on his own and without Claimant's knowledge.

SECOND AFFIRMATIVE DEFENSE

6: Forfeiture of the defendant in rem would be an excessive fine pursuant to the Eight Amendment of the United States Constitution. The defendant in rem are funds derived from the sale of a shrimp boat owned by Claimant. At the time of sale Claimant completed and filed a Bill of Sale with the US Coast Guard. Because Claimant filed the required Bill of Sale, and because Claimant has paid, or will pay, all appropriate taxes on the sale, it is clear Claimant has no intent to conceal the funds or avoid any reporting requirement of the US Government. To forfeit the entire defendant in rem, or even some fraction thereof, would be an excessive fine considering Claimant had no intent to violate any law or regulation of the United States.

RELIEF REQUESTED

7: Claimant requests the Court a) dismiss Plaintiff's Verified Complaint and enter judgment in favor of Claimant, and b) grant Claimant costs and other such relief to which the Claimant may be entitled.

Dated: October 1, 2010

Respectfully Submitted by,



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Matthew T. Wright  
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ATTORNEYS FOR CLAIMANT,  
PATRON SEAFOOD, INC.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Claimant's Original Answer to Verified Complaint for Forfeiture in Rem was served on the following accordance the Federal Rules of Civil Procedure, on this 1 day of October, 2010.

**Via Regular Mail**

Albert Ratliff

Assistant United States Attorney

P.O. Box 61129

Houston, Texas 77208-1129



Matthew T. Wright